DONALD T. OKNER, ESQ. (269561971)

File No: 3-20600.044419 DWYER CONNELL & LISBONA LLP

100 Passaic Avenue

Fairfield, New Jersey 07004

(973)276-1800

Attorneys for Defendants Straight and Narrow Drug Program and CEO Scott T. Milliken

DAVID WILSON,

Plaintiff

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

STRAIGHT AND NARROW DRUG PROGRAM, SCOTT CEO т. MILLIKEN, DAVID THOMAS and RUTH J. MARIE,

CIVIL ACTION NUMBER: 21-18720

Defendants | NOTICE OF REMOVAL

Defendants Straight and Narrow, Inc. (incorrectly pleaded as Straight and Narrow Drug Program and referred to as "S&N") and Scott T. Milliken, CEO (incorrectly pleaded as CEO Scott T. Milliken and referred to as "Milliken") and collectively referred to herein as "Defendants," whose business address is 508 Straight Street, Paterson, Pasic County, New Jersey 07501, hereby give notice to the Court, pursuant to 28 U.S.C. § 1441, of the Removal of this action from the Superior Court of New Jersey, Law Division, Passaic County, under Docket Number: PAS-L-2228-21 (the "State Action"). The removal to this Court, Newark Vicinage, is proper for the reasons set forth below:

On or about July 13, 2021, Plaintiff David Wilson, pro se ("Plaintiff") filed a Complaint in the Superior Court of New Jersey, Law Division, Passaic County, against Defendants.

- 2. On or about August 27, 2021, Plaintiff filed an Amended Complaint in the Superior Court of New Jersey, Law Division, Passaic County, against Defendants.
- 3. Defendants were first served with Pleadings in the State Action, via summonses mailed and dated September 15, 2021, and not received by Defendants until Friday, October 1, 2021. (See Exhibit A, Affidavit of Angela Nikolovski.) Accordingly, this Notice of Removal is filed within the time-period prescribed by 28 U.S.C. § 1446(b)(1).
- 4. Plaintiff's Amended Complaint against Defendants alleges violations of Plaintiff's Civil Rights, pursuant to 42 U.S.C. 1983, through the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution. (See Exhibit B, Amended Complaint).
- 5. Defendants deny the allegations contained in Plaintiff's Amended Complaint.
- 6. This is a Civil Action over which the United States
 District Court has original jurisdiction pursuant to 28 U.S.C. §
 1331, federal question jurisdiction.
- 7. This entire matter may be removed to this Court by virtue of the provisions of 28 U.S.C. § 1441(b)(1) and in accordance with 28 U.S.C. § 1446.
- 8. This action may be properly removed to this Court pursuant to 28 U.S.C. § 1441 (b)(1), inasmuch as:

- (a) Plaintiff seeks relief for claims based upon alleged violations of federal law, 42 U.S.C. § 1983; and
- (b) This Court has original jurisdiction over claims arising under the Constitution, laws and treatises of the United States pursuant to 28 U.S.C. § 1331; and
- (c) The claims arose in Paterson, New Jersey, which is in Passaic County, venue of this action is proper in this Court. See Local Civil Rule 40.1(a).
- 9. The undersigned has been retained to represent Defendants S&N and Milliken.
- 10. Defendants S&N and Milliken consent to removal of the State Action to the United States District Court for the District of New Jersey, Newark Vicinage.
- 11. To date, Defendants David Thomas and Ruth J. Marie have not been served with a copy of the Amended Complaint.
- 12. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal is being given, simultaneously herewith, to all parties involved in the State Action.
- 13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed, simultaneously herewith, via eCourts with the Clerk of the Superior Court of New Jersey, Law Division, Passaic County and a courtesy copy is being sent, by mail, to the Honorable Darren Delsardo, J.S.C.

WHEREAS, Defendants S&N and Milliken respectfully give notice to this Court of the removal of the State action in the Superior Court of New Jersey, Law Division, Passaic County to the United States District Court for the District of New Jersey, Newark Vicinage.

DWYER CONNELL & LISBONA LLP

BY: DONALD T. OKNER

Dated: October 15, 2021